

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR PUBLIC UTILITIES COMMISSION

In the Matter of the Application for  
a HVTL Route Permit for the Little Falls  
115kv Transmission Project

**SUMMARY OF PUBLIC TESTIMONY**

This proceeding began on April 4, 2011, when the applicants, Great River Energy (“GRE”) and Minnesota Power (“MP”) (collectively the “Applicants”) filed a written notice with the Minnesota Public Utilities Commission (“Commission” or “MPUC”) of their intent to submit an application for a High Voltage Transmission Line (“HVTL”) Route Permit for the Little Falls 115kV Transmission Line project (“Project”). The Applicants sought to have their application processed under the alternative permitting processes of Minn. R. 7850.2800 to 7850.3900. On June 16, 2011, the Applicants filed the application with the Commission.

On December 22, 2011, the Office of Energy Security (“OES”) of the Department of Commerce (“Department”) issued a Notice of Public Hearing and Availability of Environment Assessment (“EA”). On January 12, 2012, Administrative Law Judge Bruce H. Johnson (“ALJ”) conducted a public hearing on the Project, beginning at 6:30 p.m. at the Little Falls Township Hall, 15132 Gordon Circle, in Little Falls, Minnesota. Approximately seven members of the public attended that public hearing. The ALJ provided them with an opportunity to present their views regarding the proposed routing of the Project. The period for written comment and the OAH public hearing record closed on January 27, 2012.

**Description of the Project**

The Project is designed to provide an additional power delivery source in the rural areas east of the City of Little Falls and also to address low voltage and equipment overload concerns that could impact reliable electrical service in that area. The area is presently served only by a 34.5 kV system from MP’s Little Falls, Blanchard, and Platte River 115/34.5 kV substations.

The proposed transmission line will have a total length of 3.8 miles. The Applicants are seeking a 300-foot route width for the entire length of the proposed route—that is, 150 feet on either side of the proposed centerline. However, the GRE portion of the Project would generally require only a right-of-way (“ROW”) of up to 100 to 120 feet, or 50 feet on either side of the centerline for single pole structures and 60

feet each side of the centerline for any braced structures, such as brace pole of H-frame structures.

Where the proposed route parallels a roadway, the Applicants anticipate placing poles approximately 2 to 5 feet outside of the road ROW. Where the proposed transmission line would be located on private property, the Applicants will acquire an easement for the ROW from affected landowners.

The proposed transmission line would have four segments.<sup>1</sup> Starting from the west, the first segment would extend eastward from MP's Little Falls Substation parallel with and north of an existing MP transmission line. It would next extend eastward across country for a distance of approximately 0.8 mile to the east side of 180<sup>th</sup> Avenue. Approximately half of the 0.8 mile segment would run through a wooded area, with the remaining half crossing an existing farm field. The second segment would then extend along the eastern portion of the road ROW of 180<sup>th</sup> Avenue 0.5 mile south to its intersection with 133<sup>rd</sup> Street (County Road 256). The third segment would follow the northern edge of ROW of 133<sup>rd</sup> Street approximately 1.5 miles to its intersection with 195<sup>th</sup> Avenue. The fourth and final route segment would extend north along the eastern edge of the ROW of 195<sup>th</sup> Avenue to Crow Wing Power's ("CWP") Little Falls Substation.

The Applicants also propose to upgrade CWP's Little Falls Substation from its existing 34.5 kV operating voltage to 115 kV.

### **PROCEDURAL HISTORY**

1. On April 11, 2011, the Applicants filed a written notice of their intent to submit an application for a Route Permit for the Project.<sup>2</sup>

2. On June 16, 2011, the Applicants filed the application with the Commission.<sup>3</sup>

3. On July 27, 2011, the Office of Energy Security (OES) recommended that the Commission accept the Applicants' application and authorize OES to process the application under the alternative review process set forth in Minn. R. 7850.2800 to 7850.3900.<sup>4</sup>

4. On August 8, 2011, the Commission accepted the Applicants' Route Permit application as being substantially complete and authorized the OES to process the application under the alternative review process set forth in Minn. R. 7850.2800 to 7850.3900.<sup>5</sup> The Commission's order also accepted OES's recommendation that the

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<sup>1</sup> See Exhibit ("Ex.") 19.

<sup>2</sup> Ex. 1.

<sup>3</sup> Ex. 2.

<sup>4</sup> Ex. 5.

<sup>5</sup> Ex. 6.

(<https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?DocNumber=20114-60938-01>).

Office of Administrative Hearings conduct at least one public hearing on the Project and that the presiding ALJ prepare a summary report of the hearing.<sup>6</sup>

5. On October 7, 2011, the Commissioner of Commerce issued a scoping decision that defined the matters to be considered in the Department's Environmental Assessment ("EA") of the Project.<sup>7</sup> Among other things, the scoping decision provided that any route or substation alternatives not specifically identified in the scoping decision would not be considered or evaluated in the Environmental Assessment.<sup>8</sup>

6. On January 5, 2012, the Department filed its Environmental Assessment of the Project.<sup>9</sup>

### **HEARING NOTICE AND PUBLIC COMMENT PROCESS**

7. On December 22, 2011, the Department issued a Notice of Public Hearing giving advance notice of the public hearings to persons on the service list. The public hearing was scheduled for 6:30 p.m. at the Little Falls Township Hall, 15132 Gordon Circle, in Little Falls, Minnesota.<sup>10</sup>

8. On December 25, 2011, the Notice of Public Hearing was published in the Morrison County Record, a local newspaper.<sup>11</sup>

9. On January 12, 2012, the ALJ conducted the scheduled public hearing, which was attended by approximately seven members of the public. After the hearing was completed, the record remained open for written comments by interested persons until the close of business on January 27, 2012. The ALJ received one written comment by the deadline.

10. The Commission will issue an order on the Applicants' applications for a route permit after examining this Summary, the hearing transcripts, all written filings submitted by the public and all filings and argument submitted by the Applicants, the Minnesota Department of Commerce, and other persons and entities interested in this matter.

### **SUMMARY OF PRESENTATIONS**

Suzanne Steinhauer, State Permit Manager with the OES's Energy Facility Permitting Unit, provided information at the public hearing about the OES's responsibility for conducting and processing route permit applications and about the steps that had previously been completed. One of those steps was preparation by the

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<sup>6</sup> *Id.*

<sup>7</sup> Ex. 10.

<sup>8</sup> Ex. 11.

<sup>9</sup> Ex. 16.

<sup>10</sup> Ex. 13.

<sup>11</sup> Ex 15.

OES of an EA.<sup>12</sup> The EA is a general document discussing the potential human and environmental impacts of the Project, as proposed.

Michelle Lommel, Senior Field Representative with Great River Energy's Land Rights Department provided background about the Project. She described the proposed route. Among other things, she indicated that there are existing CWP overhead and underground distribution lines along the last 2.54 miles of the projected route—that is, along the approximately 1.5 mile segment along 133<sup>rd</sup> Street and the 1.0 mile segment along 195<sup>th</sup> Avenue. Ms. Lommel indicated that the Applicants plan to underbuild those distribution lines on their proposed transmission line.

### **SUMMARY OF PUBLIC COMMENT**

George Sandy is a Little Falls Town Supervisor. Rather than paralleling the MP transmission line that extends eastward from MP's Little Falls Substation, Mr. Sandy inquired whether it would also be possible to underbuild that transmission line. Ms. Lommel indicated that the Applicants concluded that reliability issues would exist if the two transmission lines were double-circuited. Additionally, by keeping the two transmission lines separate, MP would be able to maintain its existing line intact during construction. For those reasons, the Applicants would prefer not to underbuild the MP transmission line. Mr. Sandy also indicated that he did not see any issues arising from construction of the 115kV line along existing roadway ROWs.

Duane Yorek owns woodland and farmland that will be affected by both paralleling the ROW along the existing MP line, as well as the 0.8 mile cross country portion of the first segment between MP's existing transmission line and 180<sup>th</sup> Avenue. With respect to the timbered portion of his land, Mr. Yorek expressed concern about how much additional ROW might be for the MP line. Ms. Lommel indicated that although additional survey work would be required, it was the Applicants' belief that the existing ROW would only need to be widened by about 10 feet but no more than 20 feet. With regard to the field on Mr. Yorek's property, it is the Applicants' belief that the field can be spanned with a single pole at the edge of the woodland and that no other poles would be necessary between that pole and another pole where the line reaches the 180<sup>th</sup> Avenue ROW. If that proves impossible, the Applicants would propose avoiding poles in the field by using H-frame structures at both ends.

### **OTHER WRITTEN COMMENTS**

On January 27, 2012, the Minnesota Department of Natural Resource ("DNR") submitted the following written comments:<sup>13</sup>

1. The DNR commented that the EA included necessary additional information in response to comments that the DNR had previously made.

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<sup>12</sup> Ex. 16.

<sup>13</sup> Ex. 22.

2. The DNR recommended measures that it previously described to minimize potential adverse impact to Blanding's turtle, which is listed by the state as a threatened species.
3. The DNR also agreed with placing bird diverter locations in the locations indicated in the EA. It also recommended placing bird diverters along the portion of a line west of the public water wetland shown on Map B-10 of the EA.
4. The DNR further recommended the use of wildlife friendly erosion mesh if soil stabilization is necessary in order to minimize harm to several rare snake species in the Project area.

No other written comments were received.

Dated: February 24, 2012

s/Bruce H. Johnson  
BRUCE H. JOHNSON  
Administrative Law Judge

Reported: Janet Shaddix Eiling, R.P.R.  
Shaddix & Associates  
Two Volumes

### **NOTICE**

This report contains a summary of public testimony. It is not a final decision. The Commission will make the final determination of this matter as set forth in Minn. R. 7850.3900.